



August 20, 2019

VIA E-FILING

The Honorable Richard G. Andrews
United States District Judge
J. Caleb Boggs Federal Building
844 N. King Street
Unit 9, Room 6325
Wilmington, DE 19801-3555

Re: Bio-Rad Laboratories, Inc., et al. v. 10X Genomics, Inc.
C.A. No. 15-cv-152-RGA

Dear Judge Andrews,

10X filed an emergency motion last week to immediately set a bond amount based on what now appears to be a dubious ground. Yesterday, only hours after the Court set the bond amount, 10X filed for an IPO. In the emergency briefing 10X refused to quantify the amount of its infringing activity, forcing Bio-Rad to estimate that number. In its prospectus, 10X publicly discloses the sales information it had in its draft prospectus, but withheld from Plaintiffs and the Court. Specifically, 10X revealed “[a]s of June 30, 2019, we had accrued a total of \$55.3 million relating to this matter which includes the \$35 million judgment and our estimated 15% royalty for sales through that date.” *See* Ex. A at p. 6.

This calculation does not include (i) the royalty on sales from July 1, 2019 to August 14, 2019, estimated at \$3,934,802 [$\$20,300,000$ (Total Royalties From Date of Verdict to June 30, 2019) / 227 days = \$89,427.31 royalties/day * 44 days = \$3,934,802] or (ii) two years of post-judgment interest totaling \$2,127,527 [$\$59,234,802$ (Total Judgment as of Aug. 15, 2019) * $(1 + 0.0178 \text{ (T-Bill rate)})^2$ (# Years) - \$59,234,802 = \$2,132,126]. Based on the foregoing, the minimum amount of the bond should be \$61.3 million rather than the \$52 million requested by Plaintiffs based on their estimation.

Given this turn of events, and in view of the questionable manner in which 10X justified approaching the Court on an emergency basis, Plaintiffs respectfully request that the Court increase the bond to \$61.3 million.

Respectfully submitted,

/s/ Brian E. Farnan

Brian E. Farnan

cc: Counsel of Record (via E-Mail)